

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 565**

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**Introduced by Senator Knight**

February 22, 2013

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An act to amend Sections 35021 and 35021.1 of the Education Code, relating to public school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

SB 565, as amended, Knight. Public school volunteers.

Existing law authorizes the governing board *of any school district* to permit any person, except a person required to register as a sex offender, to serve as a nonteaching volunteer aide under the immediate supervision and direction of certificated personnel of the *school* district to perform noninstructional work that serves to assist the certificated personnel of the *school* district in their teaching and administrative responsibilities. Existing law authorizes a school district or county office of education to request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of a sex offense.

This bill would also prohibit a person who has been convicted of a serious or violent felony, as defined, or who is on postrelease community supervision *or parole* from serving as a volunteer aide. The bill would make conforming and other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 35021 of the Education Code is amended to read:

35021. (a) (1) Notwithstanding any other law, any person, except a person identified in paragraph (2), may be permitted by the governing board of a school district to perform the duties specified in Section 44814 or 44815, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist the certificated personnel in performance of teaching and administrative responsibilities. With respect to this noninstructional work, the nonteaching volunteer aide shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

(2) The following persons shall not be permitted to serve as a volunteer:

(A) A person required to register as a sex offender pursuant to Section 290 of the Penal Code.

(B) A person who has been convicted of a violent or serious felony, as defined in Section 45122.1.

(C) A person who is on postrelease community supervision.

(D) *A person who is on parole.*

(b) No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position. A district shall not refuse to employ a person in a vacant classified position and use volunteer aides in lieu of filling the classified position.

(c) It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

SEC. 2. Section 35021.1 of the Education Code is amended to read:

35021.1. (a) A school district or county office of education may request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer

1 aide in order to ascertain whether the prospective nonteaching  
2 volunteer aide has been convicted of a sex offense, as defined in  
3 Section 44010, has been convicted of a violent or serious felony,  
4 as defined in Section 45122.1, or is on postrelease community  
5 supervision *or parole*.

6 (b) A plea or verdict of guilty, a finding of guilt by a court in a  
7 trial without jury, or a conviction following a plea of nolo  
8 contendere shall be deemed to be a conviction within the meaning  
9 of this section. If the local law enforcement agency agrees to  
10 provide that automated records check, the results shall be returned  
11 to the requesting district or county office of education within 72  
12 hours of the written request. A local law enforcement agency may  
13 charge a fee to the requesting agency not to exceed the actual  
14 expense to the law enforcement agency.